

REMARKS

The Claims

Claims 1, 8, 10, 13, 14, 15, 22, 25, 26, 34, 36 and 38 have been amended. Claims 2, 3, 6, 7, 11, 12, 27, 31, 33 and 37 have been cancelled without prejudice or disclaimer. No new matter has been added.

The amendments to the claims are being made for the purpose of expediting prosecution and are made without prejudice or waiver. Applicants reserve the right to present the original claims in this or a continuing application.

Claims 26-38 were withdrawn as directed to a non-elected invention. Now pending are claims 1, 4, 5, 8-10, 13-26, 28-30, 32, 34-36, and 38.

Applicants note with appreciation the Examiner's statement that "the compounds are free of prior art and are drawn to allowable subject matter."

The Title

In the Office Action, the Examiner objected to the title, stating that the title was "not descriptive." Without agreeing with the Examiner's statement, Applicants have amended the title to read "Heterocyclic Compounds." Applicants submit that the objection has been overcome, and request that the Patent Office's records be updated to reflect the new title.

Supplemental Information Disclosure Statement

Applicants wish to direct the Examiner's attention to a Supplemental Information Disclosure Statement filed on March 29, 2006. Applicants request that the Examiner return an initialed copy of the Form SB/08 indicating that the references have been considered, with the next Office Action or Notice of Allowance.

Objection to the Claims

In the Office Action, the Examiner objected to claims 1-25 as containing non-elected subject matter. In response, Applicants have amended claims 1-25 to conform with the scope of the examined subject matter, as described in the Office Action and examined by the Examiner. Applicants contend that the claims as amended do not contain non-elected subject matter; Applicants further contend that pending claims 1-25 are allowable.


The Examiner has indicated that method of use claims commensurate in scope with allowed product claims will be rejoined pursuant to MPEP 821.04. Applicants contend that claims 26, 28-30, 32, 34-36, and 38, as amended, are commensurate in scope with allowable product claims and that rejoinder of claims 26, 28-30, 32, 34-36, and 38 is therefore proper, and such action is respectfully requested.

Early and favorable consideration of the application is earnestly solicited.

Although it is believed that no extension of time is required, Applicants conditionally petition for an necessary extension of time. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 61223 (50586).

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Respectfully submitted,

By 

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